

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

JANUARY TERM, 1904.

No. 1391.

PIETRO LANZILLI, APPELLANT,

vs.

GIOVANNI MORISI.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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In the Court of Appeals of the District of Columbia.

PIETRO LANZILLI, Appellant, }
vs. } No. 1391.
GIOVANNI MORISI. }

a-83 Supreme Court of the District of Columbia.

GIOVANNI MORISI, Complainant, }
vs. } No. 23685. In Equity.
PIETRO LANZILLI, Defendant. }

UNITED STATES OF AMERICA, } ss:
District of Columbia, }

Be it remembered, that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had, in the above-entitled cause, to wit:—

84 *Statement.*

Filed September 29, 1903.

In the Supreme Court of the District of Columbia.

GIOVANNI MORISI, Complainant, }
vs. } In Equity. No. 23685.
PIETRO LANZILLI, Defendant. }

The defendant in his own behalf ask to the honorable court leave to say: That, looking on the record of the case he found no more the general statement of the case that contain his principal defense and that had been filed on July 18, 1903, at the office of the auditor also the enclosure put on the record by the examiner Mr. Harper is no more there. This defendant thinks that neither the examiner nor other person had the right to detract any paper from the record, and as is not the first time that this was done. Defendant pray the honorable court to order the papers detracted brought back.

The honorable judge says many times to defendant to retain a counsel for better explain his right; there at defendant says that at the beginning of the case he secured the professional services of at-

torney Mr. Hilton Jackson, and having full confidence in him, signed the answer at the bill of complaint, filed on January 12, 1903, with which is accepted the forged contract exhibited by complainant, as to be a true copy of the original contract. The consequence had been the appointment of a receiver and the Mr. H. Jackson's refusal to ask for an appeal. Surprised at that, the defendant made inquiries by himself, and come to the knowledge of the falsity of the contract which had been the *prima facie* document to sustain the suit as defendant having given to his attorney the original contract, believes was deliberately done for help Mr. Montague in the fraud. Therefore defendant founding that he could no more trust his attorney, discharged him, praying the full sum requested of \$50.00 (See Exhibit No. 1 P. L.)

The defendant then tried to secure the professional services of another attorney and went to the office of Mr. Jeffords, but was interviewed by Mr. G. Chase who represented Mr. Jeffords. He asked and received ten dollars in advance for Mr. Jeffords but after consulting with Mr. Montague, Mr. Bayley, and Mr. H. Jackson, refused, saying that there was nothing to be done but he keep the money. The defendant tried to secure the professional services also of Mr. C. R. Wilson, Mr. Walker, Mr. des Garrennes, Mr. B. Daish, each of whom, upon first examining the copy of the record, agreed to defend him, but after communicating with Mr. Bailey, Mr. Montague and Jackson, interested in not having the falsity of the statement and the forgerie of the contract brought to light, they refused more or less kindly. Defendant firmly believes that he will find an attorney for his defense, if he is able to pay a very large sum of money for such defense, but the unlawful seizure of the merchandise and the wind-up of the business, have put him in a very difficult pecuniary position, and for that reason, the defendant asks the right to act as his own counsel with the aid of interpreter. (See Exhibits No. 1, 2, 3, 4, 5, in support of what defendant says.

PIETRO LANZILLI.

92-95

Order for Delivery of Goods.

Filed October 9, 1903.

In the Supreme Court of the District of Columbia.

GIOVANNI MORISI	} No. 23685. In Equity.
v.	
PIETRO LANZILLI.	

This cause coming on to be further heard pursuant to the order of September 30, 1903, upon the petition and report therein mentioned, and the court being advised that the Court of Appeals has denied the defendant's application for appeal to that court, it is by the

court this 9th day of October, A. D. 1903, ordered that the defendant Pietro Lanzilli deliver forthwith to Luigi Morisi the goods heretofore sold to said Morisi under the previous order of this court. Such delivery to be made whenever demanded by said Luigi Morisi.

It is further ordered that the appeal bond filed by the defendant but not approved by the court or any justice thereof be and is hereby stricken from the files.

ASHLEY M. GOULD, *Justice.*

96-103

Petition for Appeals.

Filed October 29, 1903.

In the Supreme Court of the District of Columbia.

GIOVANNI MORISI, Complainant,	} In Equity: No. 23685.
vs.	
PIETRO LANZILLI, Defendant.	

The above named defendant conceiving himself aggrieved by the order entered on October 9th, 1903 doth hereby appeal from said order to the Court of Appeals of the District of Columbia because it is the final result of the proceeding, fraudulently procured, and granted without jurisdiction; and he prays that this appeal may be allowed, and that a transcript of the record and proceedings and paper upon which said order was made, duly authenticated, may be sent to the Court of Appeals of the District of Columbia.

PIETRO LANZILLI.

Subscribed and sworn before me this 28th. day of October, 1903.

[SEAL.]

CLARENCE S. PARKER,
Notary Public.

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Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, { ss :
District of Columbia,

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 103, inclusive, to be a true and correct transcript of the record, as per directions of counsel herein filed, copy of which is made part of this record, in cause No. 23,685, in equity, wherein Giovanni Morisi is complainant, and Pietro Lanzilli is defendant, as the same remains upon the files and of record in said court.

In testimony whereof, I hereunto subscribe
 Seal Supreme Court my name and affix the seal of said court, at
 of the District of the city of Washington, in said District, this
 Columbia. 11th day of January, A. D. 1904.

JOHN R. YOUNG, *Clerk.*

105 In the Court of Appeals of the District of Columbia.

PIETRO LANZILLI, Appellant, }
 vs. } No. 1391.
 GIOVANNI MORISI.

I hereby designate the following portions of the record in the
 above entitled cause to be printed.

1. Statement filed, September 29, 1903. (P. 84 and 85.)

2. Order for delivery of goods. (Pag- 92)

Filed, October 9, 1903.

3. Petition for appeals.

Filed, October 29, 1903. (Pag- 96)

4. Bond for appeal filed September 26, 1903.

Approved the 7th day of October 1903.

PIETRO LANZILLI.

(Endorsed:) No. 1391. Pietro Lanzilli, appellant *vs.* Giovanni
 Morisi. Appellant's designation of parts of records to be printed.
 Court of Appeals, District of Columbia. Filed March 7, 1904.
 Henry W. Hodges clerk.

Endorsed on cover: District of Columbia supreme court. No.
 1391. Pietro Lanzilli, appellant, *vs.* Giovanni Morisi. Court of
 Appeals, District of Columbia. Filed Jan. 11, 1904. Henry W.
 Hodges, clerk.